

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SANDRO BALADEZ	§	
VS.	§	CIVIL ACTION NO. 1:14-CV-412
P. PATTERSON, ET AL.	§	

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORTS AND RECOMMENDATIONS

Plaintiff Sandro Baladez, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Laura Midkiff, Gideon Daniel, Felicia Davis, Sandra Murphy, Pinkee Patel, Brad Livingston, and Christopher Carter.

The Court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends dismissing the claims against defendants Livingston and Carter pursuant to Federal Rule of Civil Procedure 41(a)(1), and granting the motions to dismiss filed by the remaining defendants.

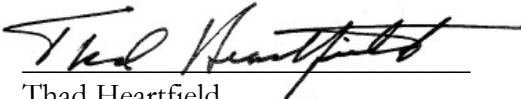
The Court has received and considered the Reports and Recommendations of United States Magistrate Judge, along with the record and the pleadings. Plaintiff did not file objections to the Report and Recommendation concerning the dismissal of defendants Livingston and Carter. Plaintiff filed objections to the magistrate judge's Reports and Recommendations regarding the remaining defendants' motions to dismiss.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the Court concludes the objections are without merit. Plaintiff alleges that defendant Patel was not sued in her supervisory capacity, and that she actually took part in denying plaintiff medical treatment. However, plaintiff's allegations do not demonstrate that he had a serious medical need and that defendant Patel was deliberately indifferent to a risk of harm to the plaintiff. Therefore, plaintiff has failed to state a claim upon which relief may be granted.

ORDER

Accordingly, plaintiff's objections (document nos. 87 and 93) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the reports of the magistrate judge (document no. 79, 84, and 85) are **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the 6 day of **March, 2017**.


Thad Heartfield
United States District Judge